

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
v.)	CRIMINAL ACTION
)	NO. 22-10141-WGY
SEAN O'DONOVAN)	
)	
Defendant,)	
_____)	

YOUNG, D.J.

April 2, 2024

REPORT

This Court failed to "state in writing, or orally on the record, the reasons" for denying the defendant bail pending appeal. This report remedies that lacunae.

Simply put, the defendant does not raise substantial issues likely to result in a reversal or new trial and bail upon these convictions for public corruption would not be in the public interest.

Interstate communication was amply proven by factual testimony, United States v. Carroll, 105 F.3d 740,742 (1st Cir. 1997), and the Court was assiduous in safeguarding the defendant's rights.

There was no basis for an entrapment charge. Here the case was defended, from start to finish, on the theory that the defendant lacked the requisite mens rea to support the verdict.

There was no sufficient evidence of entrapment to warrant such a charge.

This Court's evidentiary rulings were unexceptional and well-within its discretion. The proffered out-of-court statements were simply irrelevant, or so peripheral, as to create confusion under Fed. R. Evid. 403. The proffered law opinions added nothing of substance.

The Court's charge was scrupulously fair to the defendant (the government claims it was overly favorable to him), and, taken as a whole, did not suffer from sins of omission or commission. The defendant's proffered "official act" instruction was flawed and misleading. Indeed, this whole business of the role of the "official act" was thoroughly vetted pre-trial and dealt with properly. See United States v. Abdelaziz, 68 F.4th 12, 66 n.42 (1st Cir. 2023).

While no trial is perfect -- nor am I -- here the defendant had a fair trial and received a jury verdict amply justified by the evidence. Bail is not appropriate here and thus, this Court denied it.

Respectfully submitted,

/s/ William G. Young
WILLIAM G. YOUNG
DISTRICT JUDGE